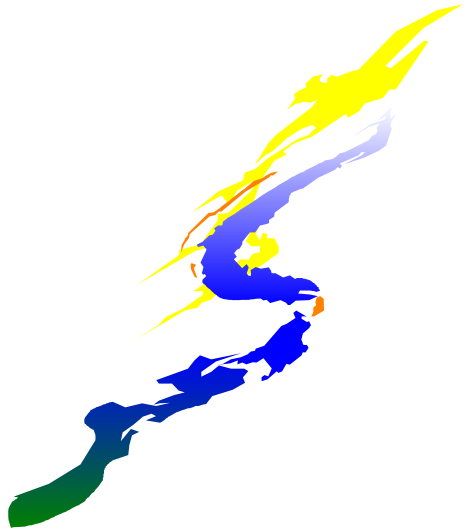
COURTS-MARTIAL

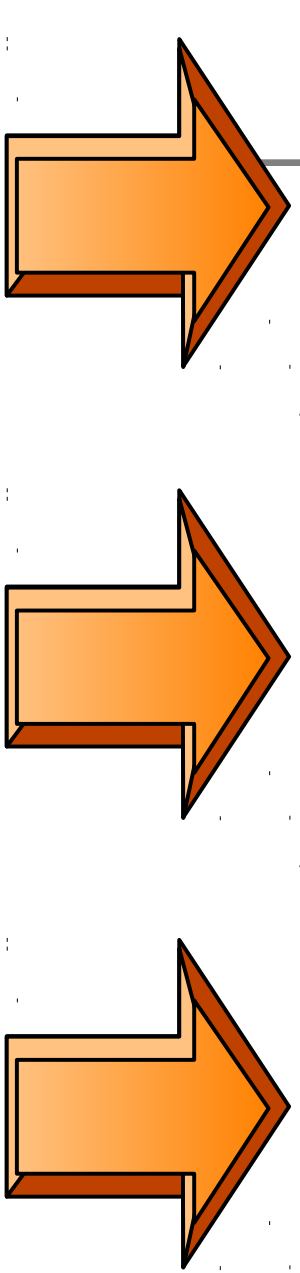
MILITARY JUSTICE OFFICER
DSN 278-2776DSN 278-2776



OBJECTIVES

- ELEMENTS WHICH MUST EXIST BEFORE PRETRIAL RESTRAINT IS IMPOSED
- FOUR TYPES OF PRETRIAL RESTRAINT
- ELEMENTS WHICH WILL DETERMINE TYPE OF COURT
- MAX PUNISHMENT AT EACH COURT-MARTIAL

ELEMENTS FOR PRETRIAL RESTRAIN



AN OFFENSE TRIABLE BY A COURT-MARTIAL HAS BEEN COMMITTED

PROBABLE CAUSE TO BELIEVE THE PERSON TO BE RESTRAINED, COMMITTED IT

RESTRAINT IS NECESSARY TO ENSURE ACCUSED PRESENCE AT TRIAL OR PREVENT FUTURE MISCONDUCT

TYPES OF PRETRIAL RESTRAINT

- CONDITIONS ON LIBERTY
- RESTRICTION IN LIEU OF ARREST
- ARREST
- CONFINEMENT

ELEMENTS FOR COURTS

- SUMMARY:
- Lowest level. Used for minor offenses (UA, disrespect)
- SPECIAL:
- Mid-level. Used for serious but not capital cases (orders violations, bad checks, assault)
- GENERAL:
- Highest level. Used for all capital cases. Murder-Rape-Drug distribution

PUNISHMENT AT SUMMARY COURT

- CONFINEMENT X 30 DAYS OR
- HARD LABOR W/O CONF X 45 DAYS
- RESTRICTION X 60 DAYS
- FORFEITURE OF 2/3 PAY FOR 1 MONTH (AT REDUCED RANK)
- REDUCTION TO E-1 (CPLS & BELOW)

PUNISHMENT AT A SPECIAL COURT

- " SIX - SIX - AND A KICK "
- CONFINEMENT X 6 MONTHS
- FORFEITURE OF 2/3 PAY X 6 MONTHS
- BAD CONDUCT DISCHARGE
- REDUCTION TO E-1

PUNISHMENT AT A GENERAL COURT

- CONFINEMENT FOR LIFE
- TOTAL FORFEITURE OF ALL PAY AND ALLOWANCES
- DISHONORABLE DISCHARGE OR BCD
- DEATH (CAPITAL OFFENSES)
- REDUCTION TO E-1

QUESTIONS ???????
?